

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07-CV-240**

LYNN M. VINCENT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
LUCENT TECHNOLOGIES, INC., AND	)	
LUCENT RETIREMENT INCOME PLAN,	)	
	)	
Defendants.	)	
_____	)	

**THIS MATTER** is before the Court on Plaintiff's Motion for Attorneys' Fees [D.I. 46], Defendants' Motion for Entry of Judgment and Stay of Its Enforcement Pending Appeal [D.I. 49], and Plaintiff's Motion to Strike Memorandum in Opposition to Motion for Attorneys' Fees [D.I. 51]. For the reasons laid out below, decision on Plaintiff's Motion for Attorneys' Fees is postponed until after the appeal of the judgment. Defendants' Motion for Entry of Judgment and Stay of Its Enforcement Pending Appeal is **GRANTED** and Plaintiff's Motion to Strike is **DENIED**.

Defendants indicate their intent to appeal this Court's August 24, 2010 Summary Judgment Order [D.I. 45] to the Fourth Circuit. Defendants urge this Court not to decide Plaintiff's Motion for Attorneys' Fees until after the appeal, arguing that the Fourth Circuit may adjudicate the claims differently, supporting the Defendants, and the Defendants argue such a decision would change the analysis on attorneys' fees. While that may be true, it is also true that if the Fourth Circuit affirms this Court's decision, the Plaintiffs will presumably be entitled to

additional attorneys' fees after handling the appeal. Because the matter of attorneys' fees will likely need to be revisited in either scenario, in the interest of judicial economy, adjudication on the issue is postponed pending the decision on appeal. The Defendant's Motion for Entry of the Judgment is granted pursuant to Fed. R. Civ. P. 58 and the judgment is stayed pursuant to Fed. R. Civ. P. 62. The Clerk is ordered to enter judgment based upon the Court's August 24, 2010 Order. [D.I. 45]. As the Plaintiffs have agreed that the Defendants need not post a bond to secure the judgment, no bond is ordered here. The Plaintiff's Motion to Strike the Defendants' response is denied. The Defendants' explanation of their calculation of the filing date is reasonable, and such a motion should be decided on the merits.

**SO ORDERED.**

Signed: December 20, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

